

Caution: DRAFT FORM

This is an advance draft copy of a California tax form. It is subject to change and FTB approval before it is officially released.

If you have any comments on this draft form, you can submit them to us on our website at www.ftb.ca.gov/forms/drafts/index.html.

2008**Underpayment of Estimated Tax by
Farmers and Fishermen****5805F****Attach this form to the back of your Form 540, Long Form 540NR, or Form 541, even if you do not owe a penalty.**

Name(s) as shown on return

Your SSN or ITIN

Part I Figure Your Underpayment

- 1 2008 tax after credits from Form 540, line 30, line 31, and line 32; Long Form 540NR, line 38, line 39, and line 40; or Form 541, line 25, line 26, and line 27. **1** _____ 00
- 2 2008 tax on lump-sum distributions from Form 540, line 23; Long Form 540NR, line 26; or Form 541, line 21b. **2** _____ 00
- 3 2008 child and dependent care expenses credit from Form 540, line 43 or Long Form 540NR, line 50 **3** _____ 00
- 4 Add line 2 and line 3 **4** _____ 00
- 5 Subtract line 4 from line 1 **5** _____ 00
- 6 Multiply line 5 by 66 2/3 percent (.6667) **6** _____ 00
- 7 2008 withholding taxes from Form 540, line 36, line 38, and line 39; Long Form 540NR, line 43, line 44, and line 46; or Form 541, line 29 and line 31 **7** _____ 00
- 8 Subtract line 7 from line 5. If less than \$200 (\$100 if married/RDP filing separately), **STOP**. You do not owe a penalty. **8** _____ 00
- 9 2007 tax after credits from Form 540, add line 30, line 31, and line 32; Long Form 540NR, add line 38, line 39, and line 40; or Form 541, add line 25, line 26, and line 27. (If you did not file a return for 2007 or if your 2007 taxable year was less than 12 months, do not complete line 9 through line 11. Instead, enter the amount from line 6 on line 12.) **9** _____ 00
- 10 **a** 2007 tax on lump-sum distributions from Form 540, line 23; Long Form 540NR, line 26; or Form 541, line 21b **10a** _____ 00
- b** 2007 child and dependent care credit expenses from Form 540, line 43 or Long Form 540NR, line 50 **10b** _____ 00
- c** Add line 10a and line 10b **10c** _____ 00
- 11 Subtract line 10c from line 9. If less than \$200 (\$100 if married/RDP filing separately), **STOP**. You do not owe a penalty. **11** _____ 00
- 12 Enter the smaller of line 6 or line 11 **12** _____ 00
- 13 2008 withholding taxes and estimated tax payments made on or before January 15, 2008, from Form 540, line 36, line 37, line 38, and line 39; Long Form 540NR, line 43, line 44, line 45, and line 46; or Form 541, line 29, line 31, and line 32. **13** _____ 00
- 14 Underpayment. Subtract line 13 from line 12. If zero or less, you do not owe a penalty. Be sure to fill in the circle on Form 540, line 64; Long Form 540NR, line 71; or Form 541, line 42 **14** _____ 00

Part II Figure Your Penalty

- 15 Enter the date the amount on line 14 was paid or April 15, 2009, whichever is earlier **15** _____
- 16 Number of days after January 15, 2009, to and including the date on line 15 **16** _____
If you are a calendar year taxpayer and made no estimate payment, enter 90 days.
- 17 Penalty: $\frac{\text{Number of days on line 16}}{365} \times .05 \times \text{underpayment on line 14}$. Enter the result here.
If you are requesting a waiver, go to line 18. Otherwise, enter this amount on Form 540, line 64; Long Form 540NR, line 71; or Form 541, line 42. Also, fill in the circle on that line to show that form FTB 5805F is attached to the return. **17** _____ 00
- 18 To request a waiver, check the box on this line and provide an explanation below. Be sure to fill in the circle on Form 540, line 64; Long Form 540NR, line 71; or Form 541, line 42. See General Information E. **18** ☐ _____ 00

Instructions for Form 5805F

Underpayment of Estimated Tax by Farmers and Fishermen

General Information

In general, California law conforms to the Internal Revenue Code (IRC) as of January 2005. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all of the changes made at the federal level. For more information, go to our website at ftb.ca.gov and search for **conformity**. More information can be found in FTB Pub. 1001, Supplemental Guidelines to California Adjustments, the instructions for California Schedule CA (540 or 540NR), and the Business Entity tax booklets.

The instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information that is most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the tax booklets. Taxpayers should not consider the tax booklets as authoritative law.

For taxable years beginning on or after January 1, 2002, California changed the method used to calculate loss carryovers, deferred deductions, and deferred income for nonresident and part-year resident taxpayers. This law changed the tax computation to recognize those items, and established a new method of determining percentages for computing tax for all nonresidents and part-year residents. California changed the nonresident tax forms (Long and Short Form 540NR) to more clearly show that nonresidents are taxed by California only on their California taxable income. For more information get FTB Pub. 1100, Taxation of Nonresidents and Individuals Who Change Residency.

Proposition 63, approved by voters on November 2, 2004, enacted the Mental Health Services Act, which imposes an additional 1% tax on taxable income over \$1,000,000.

Effective for 2005, Alternative Minimum Tax (AMT) is now included in the calculation of estimated tax.

For taxable years beginning on or after January 1, 2005, the underpayment of estimated tax penalty shall not apply to the extent the underpayment of an installment was created or increased by any provision of law that is chaptered during and operative for the taxable year of the underpayment. To request a waiver of underpayment of estimated penalty, follow the directions under General Information E.

Registered Domestic Partners (RDP)

RDPs under California law must file their California income tax returns using either the married/RDP filing jointly or married/RDP filing separately filing status. RDPs have the same legal benefits, protections, and responsibilities as married couples unless otherwise specified.

For purposes of California income tax, references to a spouse, a husband, or a wife

also refer to a California registered domestic partner (RDP), unless otherwise specified. When we use the initials RDP they refer to both a California registered domestic "partner" and a California registered domestic "partnership," as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for registered domestic partners.

Round Cents to Dollars

Round cents to the nearest whole dollar. For example, round \$50.50 up to \$51 or round \$25.49 down to \$25. If you do not round, the Franchise Tax Board (FTB) will disregard the cents.

A Purpose

Use Part I of form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen, to determine if you, as a farmer or fisherman, paid the required amount of estimated tax. Use Part II to compute your estimate penalty if you did not pay enough estimated tax.

B Qualifications

You are a farmer or fisherman and at least two-thirds of your 2007 or 2008 gross income is from farming or fishing. If you need help determining your gross income, get federal Publication 505, Tax Withholding and Estimated Tax.

If you determine that you are not a farmer or fisherman, do not use this form. Instead, use form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries, to determine if you owe an estimate penalty.

C Required Estimate Payment

If you are a farmer or fisherman, you are required to make an estimated tax payment of $66\frac{2}{3}\%$ (.6667) of your 2008 tax or 100% of your 2007 tax, whichever is less. If you are a calendar year taxpayer, your payment must be filed and paid by January 15, 2009. If you are a fiscal year taxpayer, your payment must be filed and paid by the 15th day of the 1st month after the close of your taxable year.

When the estimate due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

D Exceptions to the Penalty

You do not owe a penalty for 2008 if any of the following apply:

1. You file your 2008 tax return and pay the full amount of tax due by March 2, 2009.
2. The tax for 2007, after credits (Form 540, add line 30, line 31, and line 32 less the tax on lump-sum distributions included on line 23 and child and dependent care expenses credit on line 43 and less line 36, line 38, and line 39; Long Form 540NR, add line 38, line 39, and line 40 less the tax on lump-sum distributions included on line 26 and child and dependent care expenses credit on line 50 and less line 43, line 44, and line 46; or Form 541, add line 25, line 26, and line 27 less the tax on lump-sum distributions included on line 21b and less line 29 and line 31), was

less than \$200 (\$100 if married/RDP filing separately).

3. The tax for 2007 (from line 8) is less than \$200 (\$100 if married/RDP filing separately).
4. You had no tax liability for 2007 and your 2007 tax return was for a full 12 months (or would have been if you were required to file). You do not need to have had income in each month.

E Waiver of the Penalty

All or part of the penalty for underpayment may be waived if either of the following apply:

- You underpaid the estimated tax because of a casualty, disaster, or other unusual circumstance and it would be inequitable to impose the penalty.
- In 2007 or 2008, you retired after age 62 or became disabled and your underpayment was due to reasonable cause.

To request a waiver you must do all of the following:

- Complete form FTB 5805F through line 17 without regard to the waiver. Write the amount you want waived in parentheses on the dotted line next to line 18. Subtract this amount from the total penalty you figured without regard to the waiver, and enter the result on line 18.
- Check the box on line 18.
- Below line 18, explain why you are requesting a waiver of the estimate penalty. If you need more space, attach a statement. Be sure to include your name and tax ID no. on each statement you attach.
- Enter the amount, if any, from line 18 on Form 540, line 64; Long Form 540NR, line 71; or Form 541, line 42 and fill in the circle on that line.

F Amended Returns

If you file an amended return by the due date of your original return, use the amounts shown on your amended return to figure your underpayment. If you file an amended return after the due date of your original return, use the amounts shown on the original return.

Exception: If you and your spouse/RDP file a joint return after the due date to replace separate returns you originally filed by the due date, use the amounts shown on the joint return to figure your underpayment. This rule applies only if both original separate returns were filed on time.

Important: Even if you do not owe a penalty, you should do both of the following:

- Attach this form to the back of your Form 540, Long Form 540NR, or Form 541.
- Fill in the circle on Form 540, line 64; Long Form 540NR, line 71; or Form 541, line 42 if you are a farmer or a fisherman. This helps the FTB identify you as a farmer or fisherman and correctly process your tax return.